

Hon. Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KARI L. LARSON,

Plaintiff,

vs.

QUILLAYUTE VALLEY SCHOOL
DISTRICT No. 402, BRIAN WEEKES, and
his marital community,

Defendants.

No. 3:24-cv-05716-BHS

STIPULATED MOTION AND
PROPOSED ORDER TO SET NEW
CASE SCHEDULE

Noted for consideration: 2/11/2025

I. STIPULATION

For good cause shown and pursuant to FRCP 16(b)(4) and LCR 16(b)(6), the parties respectfully and jointly move the Court for entry of an order setting a new case schedule to continue the deadline for filing an amended pleading.

For good cause shown, and with the Court's consent, the Court may modify the deadlines in the scheduling order. FRCP 16(b)(4); LCR 16(b)(6). The "good cause" standard primarily considers the diligence in the party seeking the amendment: the district court may

STIPULATED MOTION TO
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1 modify the pretrial schedule if it cannot reasonably be met despite the diligence of the parties
 2 seeking the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir.
 3 1992) (citing FRCP 16 advisory committee's notes (1983 amendment)). Although the existence
 4 or degree of prejudice to the opposing party might supply additional considerations for a
 5 motion to modify, the focus remains on the moving party's reasons for seeking modification.
 6 *Johnson*, 975 F.2d at 609.

7 Counsel for the parties have been working cooperatively in this case, have conferred,
 8 and agree that good cause exists to grant the relief requested, as set forth below:
 9

10 1. On January 29, 2025, Plaintiff's counsel filed a Motion to Amend Complaint to
 11 add state law claims after the requisite period of time had passed from serving Defendant
 12 Quillayute Valley School District with a Tort Claim Form pursuant to RCW 4.92.100. (Dkt. #
 13 13). The motion was inadvertently noted for February 14, 2025, which would have given
 14 sufficient time for Plaintiff's counsel to file the amended pleading prior to the current deadline
 15 of February 18, 2025.

16 2. On January 30, 2025, the Court correctly re-noted Plaintiff's motion for
 17 February 19, 2025, the day after the deadline outlined in the current Case Schedule.
 18

19 3. After realizing Plaintiff's miscalculation in noting the Motion to Amend
 20 Complaint, Plaintiff's counsel contacted defense counsel to secure this stipulation to continue
 21 the deadline to amend the complaint by 10 days to allow Plaintiff sufficient time to file the
 22 amended complaint pending the Court's ruling on Plaintiff's motion for leave to amend.
 23

24 4. Fed. Civ. R. Pro. 15(a)(2) requires courts to "freely give leave when justice so
 25 requires." Given that Plaintiff missed the deadline for amended pleadings by one day, and then
 26 quickly moved to correct the mistake by securing this stipulation, good cause exists for
 27 extending the deadline by 10 days to allow for the additional time to add the state law claims.

Given the above-referenced facts, the parties stipulate that good cause exists to set a new case schedule in this matter to allow Plaintiff an additional 10 days to file an amended pleading. The parties now jointly move the Court for an order to that effect.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

A new case schedule shall be set as follows:¹

<u>Event</u>	<u>Date</u>
Deadline for filing motion to join parties	February 6, 2025
Deadline for amending pleadings	February 28, 2025
Disclosure of expert testimony under FRCP 26(a)(2)	July 28, 2025
All motions related to discovery must be filed by	September 8, 2025
Discovery completed by	September 22, 2025
All dispositive motions must be filed by	November 5, 2025
Motions in limine should be filed pursuant to Local Rule CR 7(d)(4) by	December 29, 2025
Agreed pretrial order filed with the Court by	January 12, 2026
Pretrial Conference will be held at 2:30 PM on	January 20, 2026
Trial briefs, proposed voir dire, jury instructions, agreed neutral statement of the case, and deposition designations due by	January 13, 2026
Five Day Jury Trial set for 9:00 AM	February 3, 2026

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¹ The following dates are proposed, subject to the Court's availability.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD

DATED this 11th day of February, 2025.

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II. PROPOSED ORDER

THIS MATTER having come on regularly for hearing upon the stipulation of the parties above contained, and the Court being fully advised in the premises, now, therefore, it is hereby ORDERED that the following case schedule shall be set:

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STIPULATED MOTION TO
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ENTERED this 11th day of February, 2025.



THE HONORABLE BENJAMIN H. SETTLE
United States District Court Judge

Presented by:

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